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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	James Klassen	)	Art Unit
Serial No.	10/059,560	)	Examiner:
Filed:	01/29/2002	)	
For:	MINIMAL CONTACT	)	Attorney
	SEAL POSITIVE	)	Ref. No.: P323659
	DISPLACEMENT		
	DEVICE METHOD AND		
	APPARATUS		

**37 CFR 1.47 AFFIDAVIT TO PURSUE WITHOUT SIGNED  
DECLARATION OF INVENTOR FOR APPLICATION 10/059,560**

Honorable Commissioner for Patents  
US Patent and Trademark Office  
Washington, DC 20231

**Affidavit of Mike Hughes, in-house patent attorney for Outland  
Technologies [USA], Inc.**

My name is Mike Hughes and I declare the facts stated below are accurate and true to the best of my knowledge under penalty of perjury of law.

I became Outland Technologies [USA], Inc. in-house patent attorney on April 2, 2001. On November 22, 2001 the board of directors of Outland Technologies [USA], Inc. (the company) initiated an upper management review of the company. As a result of this review the CEO, CFO, Chief General Counsel and other upper management personnel were terminated. James Klassen, the inventor for the application 10/059,560 and who is the cousin of the terminated CEO of Outland Technologies [USA], Inc. is no longer employed at Outland Technologies [USA], Inc. Mr. Klassen was the original inventor of the US patent 5,755,196 that is assigned to the company and has claims directed to the "CvR" technology. The CvR technology is a rotary motion positive displacement device. The subject matter for the application 10/059,560 consists of disclosure relating to a rotary motion positive displacement device that is related to the technology of the CvR. Given the

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nature of Klassen's employment as an inventor and the subject matter of the application it is believed that the company has as sufficient proprietary interest in application 10/059,560. At present, there is pending litigation consisting of various allegations against many of the individuals comprising the former management of the company including James Klassen.

The application 10/059,560 was filed on 1/29/02 and claimed the priority of 60/265,403 filed on 1/30/01. Sometime during February or March of 2002 the terminated CEO's assistant changed the registered address of the Outland Technologies [USA], Inc. with the United States Post Office. I did not receive the returned postcard that was included in the original filing of application 10/059,560 after a normal PTO mailroom turnaround time (e.g. a month or so). I called the USPTO requesting information as to the status of application 10/059,560 on 4-30-02. I was informed a Notice to File Missing Parts of Application (FMPA) was issued regarding the application and I requested a copy of the FMPA that was thereafter faxed to me. In early May of 2002 a copy of the text of application 10/059,560 (the specification, including claims, drawings, and declaration) was sent to James Klassen's attorney from Terry Knight, a securities attorney and an employee of the parent company of Outland Technologies [USA], Inc., instructing Mr. Klassen to review the application and to sign and return the declaration to the company. The application was sent to Mr. Klassen's attorney at the address of; David Strout; Bush, Strout and Kornfeld; 601 Union St. #5500; Seattle, WA 98101-2373.


The company has not had a response from Klassen or his attorney regarding the application and at present I do not believe that the situation will be amicably resolved prior to the deadline of the notice to File Missing Parts of Application with a three month extension of time. I believe that irreparable harm will result to the company (and to Klassen who is still a major shareholder to the company) if the application is not prosecuted without the signature of the declaration of the inventor.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Signed at Raleigh, County of Wake, State of North Carolina this 27<sup>th</sup> day of July, 2002.

Respectfully submitted,

Mike Hughes, Vice President of Intellectual Property of Outland Technologies, [USA], Inc.

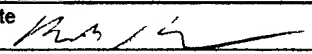
By   
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**Certificate of Mailing (37 CFR 1.8a)**

I hereby certify that this document (along with any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on date shown below.

7/27/2002

Date

  
Mike Hughes

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